

THIS AMENDED RULE WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION ON FIRST AND SECOND READING ON FEBRUARY 6, 2009 AND IS SCHEDULED FOR FINAL APPROVAL BY THE BOARD ON MARCH 6, 2009.

R277. Education, Administration.

R277-477. Distribution of Funds from the Interest and Dividend Account (School LAND Trust [~~Lands~~ Account] Funds) and [Implementation] Administration of the School LAND Trust Program.

R277-477-1. Definitions.

A. "Board" means the Utah State Board of Education. The Board is the representative and advocate for beneficiaries of the School Trust corpus and the School LAND Trust Program.

B. "Critical academic needs" for purposes of this rule means a school's weakness(es) in academic areas for which there is a Utah Core curriculum.

[B]C. "Fall Enrollment Report" means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report from the previous year.

[E]D. "Funds" means interest and dividend income as defined under Section 53A-16-101.5(2).

[D]E. "Interest and Dividends Account" means an account created under Section 53A-16-101 established to collect interest and dividends from the permanent State School Fund until the end of the fiscal year at which time the funds are distributed to school districts through the School LAND Trust Program.

F. "Local board of education" means the locally-elected board designated in Section 53A-3-101 that makes decisions and directs the actions of local school districts and is directed in Section 53A-16-101.5(5)(b) to approve School LAND Trust plans for schools under the local board's authority.

G. "School community" means the geographic area designated by the school district as the attendance area with reasonable inclusion of the parents or legal guardians of additional students who are attending the school.

H. "School LAND Trust Section" means employees designated by the Superintendent who have responsibility for overseeing the use of School LAND Trust Program funds.

I. "State Charter School Board (SCSB)" means the board designated under Section 53A-1a-501.5 that has responsibility for making recommendations regarding the welfare of charter schools to the Board and the board that has responsibility to approve School LAND Trust plans for charter schools. The SCSB has primary responsibility to provide training and oversight for charter school School LAND Trust plans.

J. "State Superintendent of Public Instruction (Superintendent)" means the individual appointed by the Board as provided for in Section 53A-1-301(1) to administer all programs assigned to the Board in accordance with the policies and the standards established by the Board.

[E]K. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report of the school district, charter school, or USDB.

[F]L. "USDB" means the Utah Schools for the Deaf and the Blind.

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[G]M. "USOE" means the Utah State Office of Education.

R277-477-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the Board, by Section 53A-16-101.5(3)(c) which allows the Board to adopt rules regarding the time and manner in which the student count shall be made for allocation of school trust land funds, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to:

(1) provide direction in the distribution of interest and dividends from the Interest and Dividends Account created in Section 53A-16-101 and funded in Section 53A-16-101.5(2) through school districts;

(2) ~~[provide a process for the dissemination of accurate and uniform information to the Legislature, Board, local school boards schools, the School and Institutional Trust Lands Administration, State Treasurer, State Director of Finance, USOE, and others as necessary to facilitate effective administration and implementation of the School LAND Trust Program; and]~~ provide for appropriate and adequate oversight of the expenditure and use of School LAND Trust monies by designated local boards of education, the SCSB, and the Board;

(3) provide for review and monitoring of funds and revenue generated by school trust lands; and

~~[[3]~~4) determine the time and manner in which the student count shall be made for allocation of the monies as provided in Section 53A-16-101.5(3)(c).

R277-477-3. Distribution of Funds - Determination of Proportionate Share.

A. Funds shall be distributed to school districts and charter schools as provided under Section 53A-16-101.5(3)(a). The distribution shall be based on the state's total fall enrollment as reflected in the audited October 1 Fall Enrollment Report from the previous school year.

B. Each school district and the USOE, with regard to charter schools and the USDB, shall distribute funds received under R277-477-3A to each school within each school district or to each charter school and USDB on an equal per student basis.

C. Local ~~[school]~~ boards of education and the USOE may adjust distributions, maintaining an equal per student distribution within a school district for school openings and closures and for boundary changes occurring after the audited October 1 Fall Enrollment Report of the prior year.

D. All public non-charter schools receiving funds shall have a school community council as required by Sections 53A-1a-108~~[, and a current school plan for]~~ and R277-491; funds shall be used to enhance or improve a school's academic excellence

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consistent with Section 53A-16-101.5. Plans shall be approved by the local [school]board of education. Required school community council-generated plans or programs include:

- (1) School Improvement Plan;
- (2) School LAND Trust Program;
- (3) Reading Achievement Plan (for elementary schools)
- (4) Professional Development Plan;
- (5) Child Access Routing Plan; and
- (6) Recommendations regarding school/school district programs and community environment.

E. All charter schools that elect to receive School LAND Trust funds shall have a committee consisting of a majority of parents elected from parents of students currently attending the charter school that is designated to make decisions about the School LAND Trust funds, and a current school plan for enhancing or improving academic excellence consistent with Section 53A-16-101.5 approved by the ~~[State Charter School Board]~~ SCSB for state chartered schools.

F. The plan shall be electronically submitted to the USOE on the School LAND Trust Program website.

G. All charter schools shall be considered collectively as a school district to receive a base amount under Section 53A-16-101.5(3)(a)(i).

H. The USDB shall receive the average statewide per pupil base amount as the school's base allocation.

I. In order to receive its allocation, a school shall satisfy the requirements of Section 53A-16-101.5(4-7).

J. Plans shall include specific academic goals, steps to meet those goals, measurements to assess improvement and specific expenditures to implement plans that may include purchase of workbooks, textbooks, professional development, computer hardware and software, library and media supplies, or supplement funding for aides, teachers and specialists, and other tools for student academic improvement consistent with Section 53A-16-101.5(5).

K. Income from the Interest and Dividends Account shall be distributed to school districts, USDB, and charter schools after the close of the state fiscal year as the USOE receives the funds in the Interest and Dividends Account within the Uniform School Fund.

L. ~~[Each school board]~~ Local boards of education or the SCSB shall approve plans annually and shall ensure timely distribution of the funds to schools with approved plans ~~[approved by the local school board]~~.

M. When approving school plans on the School LAND Trust Program website, school district and charter school personnel shall report the meeting date(s) when the local ~~[school]board~~ of education or the SCSB approved the plans.

N. Funds not used in the school approved plan may be carried over by the school to the next school year and added to the School LAND Trust Program funds available for expenditure in that school

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the following year. Schools shall provide an explanation for any carry over that exceeds one-third of the school's allocation in the school plan or report.

O. School LAND Trust Program funds shall be focused on the school's critical academic needs.

~~[(1) School LAND Trust Funds shall only be used to directly impact instruction and enhance academic excellence in reading, writing, mathematics, science, social studies, technology, fine arts, foreign language, and career education in high schools.~~

~~[(2) Expenditures to aid students in recovering academic credits, assisting students in completion and recovery of credits towards graduation, study skill classes and college entrance exam preparation classes are appropriate academic uses of the specific School LAND Trust Program funds.~~

~~[(3) Programs to improve school climate, provide security, address behavioral issues, prevent bullying, permanent auditorium audio systems, and other non-academic school needs are not eligible for funding from the School LAND Trust Program.~~

~~[(4) Student incentives shall be academic and the total may not exceed \$1000, or four percent of the School LAND Trust Program funds, whichever is less. Examples of academic incentives include academic field trips, flashcards, books, or student planners.~~

~~[(5) Schools for individuals with disabilities may use funds as needed to directly impact and improve student performance according to the Individual Education Plan (IEP) of the students.]~~

P. School LAND Trust Program funds shall be focused on implementing a recommended course of action to enhance or improve student academic achievement and implement a component of the school improvement plan focused on the school's identified critical academic needs, as explained in Section 53A-1a-108.5 and Section 53A-16-101.5(5).

Q. Examples of successful programs with School LAND Trust monies may include activities such as:

(1) credit recovery courses and programs;

(2) study skills classes;

(3) college entrance exam preparation classes;

(4) academic field trips;

(5) classroom equipment and materials such as flashcards, math manipulatives, calculators, microscopes, maps, books, or student planners;

(6) teachers and teacher aides;

(7) professional development directly tied to school academic goals;

(8) computer labs, software, LCDs, smart boards;

(9) books and textbooks.

R. Schools serving students with disabilities may use funds as needed to directly influence and improve student performance according to the student Individual Education Plans (IEPs).

S. The School LAND Trust Section of the USOE shall create and electronically post model plans for elementary and secondary

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schools.

[P]T. Funds from the School LAND Trust Program that are expended inconsistent with the requirements and academic intent of the law, inconsistent with R277-477, or inconsistent with the original school board/charter board approval shall be withheld by the USOE in subsequent years until the misappropriated funds have been restored.

[Q]U. Schools serving only youth in custody may form committees and submit plans to the district serving the students. Youth in custody schools shall receive the same per pupil distribution as other schools in the district providing services.

[R]V. Plans submitted by charter schools shall be prepared, submitted and approved by the charter school committee established in R277-470-9D, requiring a majority of elected parents to serve on the committee, and then submitted first to the local charter school board, then to the local ~~[school]~~board of education for approval, if the school is chartered by the district, or to the ~~[State Charter School Board]~~SCSB if the school is chartered by the Board.

[S]W. Plans submitted by the USDB governing board shall be reviewed and approved by the State Superintendent or designee.

R277-477-4. Administration of School LAND Trust Program.

A. The School LAND Trust Section of the USOE shall provide support to local boards of education, to the SCSB and to local charter trust land committees, as directed by the Superintendent.

B. Support services shall include:

(1) Regional training and, to the extent of resources available, school district or school training for school community councils, as requested by local boards of education or the SCSB;

(2) Training materials;

(3) Model plans for school improvement, reading achievement, School LAND Trust, professional development assistance, and child access routing plans for both elementary and secondary schools.

(4) Materials, suggested practices and plans for use by community councils and charter school trust land committees to:

(a) increase community and parent awareness and knowledge of community councils;

(b) increase community and parent knowledge about school trust lands and their history and purpose in generating funds for public schools;

(c) encourage parent participation in developing plans for local board approval for the use of School LAND Trust allotments.

C. The School LAND Trust Section shall monitor development of School LAND Trust plans and assist local community councils and charter school trust land committees with plan development as requested, and monitor expenditures and compliance with statutory requirements. Assistance/monitoring may include:

(1) timely notification of annual School LAND Trust allotments to public schools;

(2) clear and timely notification of required timelines for

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plan submission;

(3) periodic, cost-effective and scheduled review of submitted school plan consistency and plan expenditures and results;

(4) verifying web postings and other information regarding school community council and charter school trust land committees compliance with the Utah Public and Open Meetings Act.

D. The School LAND Trust Section shall receive direction from the Superintendent as it provides monitoring and review.

E. Monitoring and review shall be accomplished primarily through written/electronic assurances from school community councils and charter school trust land committees, written/electronic submission of information from local school boards and charter schools and random and selective paper audits of School LAND Trust expenditures and the execution of School LAND Trust plans.

F. The School LAND Trust Section shall, under the direction of the Superintendent, provide oversight and expertise regarding the School LAND Trust account and all related activities. Oversight and activities may include:

(1) attending meetings where school trust land, permanent fund, and school community council issues are discussed and voted on;

(2) providing information to other state agencies, general public, and the Legislature regarding school trust lands and revenues;

(3) reviewing and providing information as representatives of the Superintendent to boards, state agencies and employees that have responsibility for managing school trust lands, maximizing trust land revenues, and investing the permanent State School Fund prudently;

(4) increase and strengthen beneficiary monitoring; and

(5) other activities or assignments as directed by the Superintendent.

R277-477-[4]5. Information to USOE.

A. Information on each school's plan to address critical academic needs shall be completed via the School LAND Trust Program website maintained through the USOE for accurate and uniform reporting.

B. To facilitate submission of information by schools, each school board shall establish a timeline for timely submission of information and a district submission date for the district schools not later than May 15 of each year.

C. Timelines shall allow for school committee reconsideration and editing of the school plan following local ~~[school]~~board of education or SCSB requested changes.

D. USOE staff ~~[shall]~~may visit ~~[ten percent of the]~~ schools receiving funds from the School LAND Trust Program ~~[annually]~~as directed by the Superintendent to discuss the program~~—and website~~, receive information and suggestions, provide training,

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and answer questions~~[and review implementation of the plans and reported purchases]~~.

~~[E. USOE staff shall read school plans and reports for compliance with the law.]~~

~~[F]~~E. School districts and charter schools wishing to submit information to the School LAND Trust website through a comprehensive electronic plan shall meet the parameters for programming and data entry required by the USOE. They shall review School LAND Trust plans on the USOE website prior to local ~~[school]~~ board of education or SCSB approval to ensure information consistent with the law has been downloaded by individual schools into the electronic plan visible on the School LAND Trust Program website.

~~[G]~~F. Charter school and school district business administrators shall enter financial data relating to the School LAND Trust Program on the School LAND Trust Program website at the time they prepare and submit Annual Program Report (APR) data to the USOE. The appropriate data shall appear in the final reports submitted online by school community councils for reporting to parents as required in Section 53A-1a-108.

~~[H]~~G. The financial data shall include:

(1) the annual distribution received by each school (the sum of the distributions to schools within a school district equals the total distributed to the school district by the USOE);

(2) expenditures made by each school from revenues received from the School LAND Trust in the prior fiscal year.

~~[I]~~H. Expenditures made after the close of the fiscal year shall be accounted for as expenditures in the following fiscal year.

~~[J]~~I. The financial report in each school final report shall be consistent with the narrative submitted by that school community council or charter committee.

KEY: schools, trust lands funds

Date of Enactment or Last Substantive Amendment: ~~[October 8, 2008]~~ 2009

Notice of Continuation: November 23, 2005

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-16-101.5(3) (c); 53A-1-401(3)